

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-19 remain pending in the application. By the foregoing amendment claims 1 and 8 are amended.

Applicant notes with appreciation the Examiner's indication on page 6 of the Office Action that claims 9-11 and 19 contain allowable subject matter.

In numbered paragraph 5, page 5 of the Office Action, independent claim 8, along with various dependent claims, are rejected as being anticipated over the Sasaki publication. This rejection is respectfully traversed.

Applicant has disclosed a method for detecting a measurement spot on an object being measured whose distance is to be determined, including, for example, lighting the object being measured using an optical radiation and a distance measuring instrument. A measurement spot is created directly on the object being measured (e.g., paragraph [0006]). The Applicant also disclosed detecting the measurement spot created on the object being measured with aid of a photoelectric picture-taking system and delivering information about the detected measurement spot to an evaluation unit for finding a differential value, and for showing detection results on an electronic display device (e.g., paragraph [0015]).

The disclosed features are broadly encompassed by claim 8, which recites, among other features, lighting the object being measured, with the aid of a distance measuring instrument, using an optical radiation, to create a measurement spot directly on the object being measured. Claim 8 also recites delivering information about the detected measurement spot to an evaluation unit for finding a differential value, and for showing detection results on an electronic display device.

The Sasaki publication discloses a surveying instrument comprising an image sensor 4, an emitter 6, and a controller for detecting and determining the position of a target on the solid state sensor 4. The Sasaki publication further discloses a target prism 11 placed in relation to an object to be measured (Figs. 2(A)-2(C)). The target prism serves to reflect the transmitted infrared radiation (col. 3, lines 23-54).

The Sasaki publication does not teach or suggest a measurement spot created directly on an object to be measured. Rather, as taught by the Sasaki publication, the target prism is placed at the target to effect the measurement. As taught by the Sasaki publication, the target prism is used to obtain differences between the image when the emitter 6 is turned on and the image when it is turned off (col. 3, lines 45-54). The Sasaki publication displays the detected measurement values in deviations from an optical axis in horizontal and vertical directions, but the Sasaki publication does not teach or suggest showing detection results of an object with a measurement spot on an electronic display device.

In numbered paragraph 2, page 2 of the Office Action, independent claim 1, along with various dependent claims, are rejected as being unpatentable over EP 0 661 519 A1 (Sasaki) in view of WO 00/25089 (Ball). In numbered paragraph 3, page 4 of the Office Action, dependent claims 12, 13 and 15 are rejected as being unpatentable over the Sasaki publication. These rejections are respectfully traversed.

Applicant has disclosed a distance measuring instrument having a sighting device (e.g., paragraph [0005]). For example, a distance measuring instrument having a sighting device includes a transmitter for emitting an optical radiation, a receiving lens for the optical measurement radiation remitted or scattered by an

object being measured, a receiver, located behind the receiving lens, for converting the optical radiation into electrical measurement signals, and a signal processing system which compares the measurement signals with reference signals to determine a distance from the object being measured and to make a distance result available to a user (e.g., abstract). The transmitter for emitting an optical radiation is configured for creating a measurement spot directly on the object to be measured (e.g., paragraph [0005]).

The disclosed features are broadly encompassed by claim 1, which recites, among other features, a signal processing system for comparing the measurement signals with reference signals to determine a distance from the object being measured and to make a distance result available to a user, wherein the transmitter for emitting an optical radiation is configured for creating a measurement spot directly on the object to be measured. Claim 1 further recites a photoelectric picture-taking system which is connected to an electronic display device, for taking pictures of the measurement spot on the object.

As previously discussed, the Sasaki publication does not teach or suggest a measurement spot created directly on an object to be measured; and does not teach or suggest showing detection results of an object with a measurement spot on an electronic display device.

The Ball publication does not cure the deficiencies of the Sasaki publication. The Ball publication discloses an imaging device used to capture a two dimensional image of a target. Specifically, the Ball publication discloses a camera 32 used to take a two-dimensional image of an object (page 37, lines 22-26). Based on distance values determined from several perspectives, a 3-D image of the object is

generated (page 37, lines 26-33). However, the Ball publication does not teach or suggest creation of a measurement spot directly on an object being measured.

As such, Applicant's independent claims 1 and 8 are allowable. The remaining claims depend from independent claims 1 and 8, and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner. As such, the present application is considered in condition for allowance.

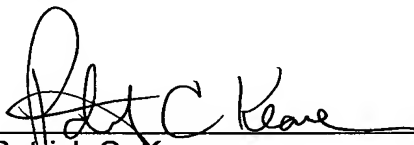
All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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